

CITY OF COLTON
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
FOR THE CITY OF COLTON/COLTON UTILITY AUTHORITY/
COLTON PUBLIC FINANCING AUTHORITY AND
COLTON HOUSING AUTHORITY
CLOSED SESSION MINUTES

January 20, 2015

Closed Session Meeting was held on the above given date at 5:03 p.m., in the Council Chambers of City Hall, with Mayor DeLaRosa presiding.

CITY COUNCIL ROLL CALL

Councilmembers present were, Toro, Jorrin, González, Bennett, Suchil (appeared at 5:04 p.m.) MPT Navarro and Mayor DeLaRosa.

STAFF PRESENT

Interim City Manager Kenline, City Attorney Campos, and City Clerk Padilla.

PUBLIC COMMENT

None.

City Attorney Campos announced that the City Council would meet in Closed Session to Discuss items A, B, and C.

CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency designated representatives: City Attorney
Employee Group: Colton Fire Association
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9 (d)(4)
(SANBAG – I-215/Mt. Vernon Ave./Washington Street Interchange Project)
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation, Pursuant to Government Code Section 54956.9(d)(2)
One (1) potential case

Mayor DeLaRosa adjourned the meeting to Closed Session at 5:04 p.m. and at 6:09 p.m., the meeting reconvened, with all members present as heretofore.

City Attorney Campos announced that the City Council did meet in Closed Session and discussed Items A, B, and C with direction to staff and no reportable action.

CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF
COLTON/COLTON UTILITY AUTHORITY/
COLTON PUBLIC FINANCING AUTHORITY AND
COLTON HOUSING AUTHORITY
REGULAR MEETING MINUTES

January 20, 2015

Regular Meeting held on the above-given date at 6:10 p.m. in the Council Chambers of City Hall, with Mayor Richard DeLaRosa presiding.

INVOCATION

Pastor Jonathon Florez, First Assembly of God

FLAG SALUTE

Mayor Richard A. DeLaRosa

CITY COUNCIL ROLL CALL

Council Members Present

Richard A. DeLaRosa, Mayor
David J. Toro
Summer Z. Jorin
Frank J. Navarro
Dr. Luis S. González
Deirdre H. Bennett
Isaac T. Suchil, Mayor Pro Tem

Staff Present

Josefina Kenline, Interim City Manager
Carlos Campos, City Attorney
Carolina R. Padilla, City Clerk

Council Members Absent

None

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation – Business Focus – Colton Hand Car Wash

Mayor Pro Temp Suchil and Councilmember Navarro assisted staff (*Art Morgan, Economic Development Manager and Chetay Catalano Executive Director, City of Colton Chamber of Commerce*) on presenting the Business Focus Certificate to Business Owner Vrezh “George” Ayvazyan of Colton Hand Car Wash; Mr. Ayvazyan accepted the Certificate.

- Presentation – Center for Employment Training (CET)

Mr. Martin Gamez, Chief Operating Officer with CET (*Center for Employment Training*) outlined with the assistance of a PowerPoint presentation the Background of CET which includes Job Skill Training for youth and adults. The San Bernardino Office will be relocating to the City of Colton at 1099 North Pepper Avenue (*Across from the Arrowhead Regional Medical Center (ARMC)*). The target date to open the center is March 2, 2015.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF JANUARY 20, 2015.

Mayor DeLaRosa asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None disclosed.

AB 1234 ORAL REPORTS

Mayor DeLaRosa asked the members present if there were any brief reports on meetings attended at the expense of the City. (*GC Section 53232.3(d)*). CM Jorin/CM González and Mayor DeLaRosa attended the New Mayors and Council Members' Academy (*January 14 – 15, 2015*) that is put on by the League of California Cities of which the City of Colton is a Member. CM González reported on a variety of issues that included: city key issues; basic boot camp; communication and the new media; sitting on the other side of the dais; and using the League of California Cities Website as a valuable tool of reference.

Mayor DeLaRosa also shared information received: possible increase in the gas tax; how to govern and build relationship to bring forward a vision; and the importance of team work for the community and ourselves (*members of council*).

Mayor DeLaRosa, CM Jorin and CM González attended the AB1234 Training that is required of all newly elected officials on specific ethics laws and principles within one year of becoming a public servant.

PUBLIC COMMENT

The following community members addressed the Council: Christina Irish-Ré.

APPOINTMENTS

- Mayor Pro Tempore Appointment

Mayor DeLaRosa accepted nominations for Mayor Pro Temp.

Motion/Second by CM Suchil/CM Toro to appoint CM Navarro as Mayor Pro Temp for the 2015 year.

Vote: All answered 'Aye'. Unanimous Vote.

Mayor DeLaRosa reviewed with councilmembers and presented the following appointments for ratification:

- Intergovernmental Agency Assignments

AGENCY	MEMBER	ALTERNATE MEMBER/STAFF
AMIGA	CM Toro	CM Suchil
CONFIRE JPA	MPT Navarro	Fire Chief McHargue
IVDA	Mayor DeLaRosa CM Jorin	CM Bennett
SBIAA	Mayor DeLaRosa	CM Jorin CM Bennett
OMNITRANS	Mayor DeLaRosa	MPT Navarro
RIX JPA	MPT Navarro	Director Amer Jakher
SANBAG	MPT Navarro	Mayor DeLaRosa
SBVMWD	Mayor DeLaRosa	CM Toro
SWAT	CM Suchil	Mayor DeLaRosa

- Council Committee Appointments

COMMITTEE	MEMBER(S)	ALTERNATE
Animal Care Services (<i>Ad Hoc</i>)	CM Toro/Bennett/ Suchil	
Beautification-City Wide	CM Jorrin/González /Bennett	
Bridge	CM Jorrin/González/Suchil	
Business Development Retention	CM Toro/Bennett/ Suchil	
CDBG	CM Jorrin/Suchil/MPT Navarro	
Finance	CM Bennett/MPT Navarro/Mayor DeLaRosa	
Parks & Rec. Foundation	CM Toro	CM Suchil
Colton Birthday Celebration	MPT Navarro	
Legislative (<i>Ad Hoc</i>)	Mayor DeLaRosa MPT Navarro/CM Bennett	
Military Banner (<i>Ad Hoc</i>)	CM Toro/ González/Suchil	
Bi-County N/S Corridor	MPT Navarro/CM Bennett	
LCC Legislative Task Force	Mayor DeLaRosa	

- Commission Appointments for Districts 1, 2, 4, and At-Large

Boards & Commissions	Mayor DeLaRosa At Large	CM Toro/District 1	CM Jorrin/District 2	CM González/District 4
Civil Service	Vacant	Cynthia Tinoco	Randy Rivera	Estella Piceno
Utilities	Roseanne Ramos Reyes	George Aguilar	Ernest Cisneros	Michael Razo
Planning	Rosa Granado	Vacant	Richard Prieto	Gary Grossich
CCHAAB Code Compliance	Jennie Zermenio	Joe Perez III	Vacant	Vacant
Historic Preservation	W. Don Earp	Linda Tripp	Vacant	Henry Vasquez
Recreation & Parks	Mark Garcia	Estell Kunter	Erika Hernandez	Larry Rivas

All appointments were ratified when announced. All answered ‘Aye’. Unanimous Vote.

CITY TREASURER’S REPORTS

City Treasurer announced there is an Annual Reporting Requirement in January of each year; the City of Colton is in compliance with power purchases and meets on a quarterly basis as it relates to purchases made for energy with committee members: City Treasurer De La Torre; David Kolk, Electric Utility Director, and Anita Agramonte, Finance Director.

- Receive and File City Treasurer’s Report for November 2014.

City Treasurer De La Torre presented the report for November 2014 for Council consideration and with no objection report was received and filed.

CONSENT CALENDAR

Mayor DeLaRosa presented Consent Calendar Item Nos. 1 through 12 for action by Council.

Interim City Manager Josefina Kenline requested the following changes to Item 11 of the Consent Calendar; Staff's recommended action listed three recommendations; the request is for recommendation one (1) *Approve Resolution No. R-07-15 to amend the Electric Utility Budget FY 14/15 for an additional appropriation for the Agua Mansa Project in the amount of \$1,895,000*; and three (3) *Authorize additional expenditure of funds of \$18,000 for a total amount not to exceed \$43,000 to Virginia Transformer, Inc., for the storage of the 66kV transformer purchased for the West Substation. RESOLUTION NO. R-07-15*; go forward for approval as outlined in the Agenda Report and recommendation two (2) *award a contract for the construction of the Agua Mansa Project to Asplundh Construction Corporation in the amount of \$5,268,950, and to authorize the Interim City Manager to execute the contract documents and authorize the Interim City Manager to approve change orders, as required, up to an amount not-to-exceed five percent (5%) of the contract amount*; will be continued and return for consideration at the February 3, 2015 Council Meeting.

Motion and Second by CM Suchil/CM Toro to approve the Consent Calendar with Corrections to Item 11 as outline by ICM Kenline above.

Vote: All answered 'Aye'. Unanimous Vote.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting Held December 16, 2014, on File in the Office of the City Clerk.
- (2) Vouchers – Approval of US Bank Vouchers dated 12/19/2014, Totaling \$29,882.54; voucher #146685 to #146766, Dated 12/30/14, Totaling \$1,485,009.67; voucher #146767 to #146895, Dated 01/08/15, Totaling \$750,668.04; and a Payroll Disbursement Listing for the Period 11/22/14 to 12/06/14, Totaling \$743,579.77, on file in the Finance Department.
- (3) Notice of Completion for Mt. Vernon Ave. Median Landscaping, Mt. Vernon Ave. Bridge Emergency Repair Project and Water Meter Replacement Phase 2 Project – Authorize the execution and recordation of the Notice of Completion for the following projects: 1) Mt. Vernon Avenue Median Landscaping Project; 2) Mt. Vernon Avenue Bridge Emergency Repair Project; and 3) Water Meter Replacement Project Phase 2.
- (4) Update to Elected Officials Resolution – Approve and adopt Resolution No. R-01-15 governing the benefits for elected officials. RESOLUTION NO. R-01-15.
- (5) Award Piggyback with Haaker Equipment Company – Approve Resolution R-02-15 to award piggyback with Haaker Equipment Company for the purchase of a Vactor 2115-18 plus Jet Rodder vehicle for the Collections System Maintenance Division in an amount not to exceed \$431,930. RESOLUTION NO. R-02-15.
- (6) Re-Adoption of the Manual of Procedure (MOP) – Re-adopt by Resolution the City Council Manual of Procedure previously adopted on December 2, 2014. RESOLUTION NO. R-03-15.
- (7) Acceptance of State Homeland Security Grant – Accept the Fiscal Year 2014/15 State Homeland Security Grant and approve and adopt Resolution No. R-04-15. RESOLUTION NO. R-04-15.
- (8) Department of Education Contract Amendment – Approve Amendment to the California Department of

Education Contract CCTR-4199 for the provision of school age services in the Early Childhood Education Division of the Community Services Department for Fiscal Year 2014-2015, and amending the budget for the current fiscal year to account for increased funding. RESOLUTION NO. R-05-15.

- (9) Living Wise School Program – Approve increase of public benefit funds for the Living Wise School Program, RESOLUTION NO. R-06-15.
- (10) Award of Bid for Purchase of CREE LED Streetlight Fixtures – Award the bid for CREE LED streetlight fixtures and photo controls to Wesco Distribution, Inc. in the amount of \$119,958.30.
- (11) Update on Agua Mansa Project and request for additional appropriation – (1) Approve Resolution No. R-07-15 to amend the Electric Utility Budget FY 14/15 for an additional appropriation for the Agua Mansa Project in the amount of \$1,895,000; (2) award a contract for the construction of the Agua Mansa Project to Asplundh Construction Corporation in the amount of \$5,268,950, and to authorize the Interim City Manager to execute the contract documents and authorize the Interim City Manager to approve change orders, as required, up to an amount not-to-exceed five percent (5%) of the contract amount; (3) Authorize additional expenditure of funds of \$18,000 for a total amount not to exceed \$43,000 to Virginia Transformer, Inc., for the storage of the 66kV transformer purchased for the West Substation. RESOLUTION NO. R-07-15. *(Only (1) and (3) approved; (2) continued to Council Meeting of February 3, 2015)*
- (12) Investment Policy – Approve and adopt Resolution No. R-10-15 delegating to the City Treasurer the authority to invest and reinvest funds for the City and to sell and exchange securities; and approve the Investment Policy of the City of Colton. RESOLUTION NO. R-10-15.

PUBLIC HEARINGS

- (13) Wastewater Rules and Regulations

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING ON WASTEWATER RULES AND REGULATIONS TO INCORPORATE REVISIONS IN RESPONSE TO PRETREATMENT COMPLIANCE AUDIT (PCA).

Mayor DeLaRosa announced the Public Hearing Open.

City Clerk Padilla submitted the Affidavit of Publication and there were no reports of protests or objections thereto.

Director Jakher asked this item be continued to the next meeting of February 3, 2015.

With no objection from Council the Public Hearing was continued to February 3, 2015.

- (14) Zoning Text Amendment DAP-001-194 – Zoning Code Update

TIME AND PLACE FIXED TO CONSIDER ADOPTING A ZONING TEXT AMENDMENT TO AMEND VARIOUS PROVISIONS OF CHAPTER 18.04, 18.06, 18.12, 18.14, 18.16, 18.24, 18.26, 18.28, 18.48 AND ADD NEW CHAPTER 18.41 TO ENSURE CONSISTENCY WITH ADOPTED GENERAL PLAN AND STATE LAW.

Mayor DeLaRosa announced the Public Hearing Open.

City Clerk Padilla submitted the Affidavit of Publication and there were no reports of protests or objections thereto.

Mario Suarez, Senior Planner, presented for Council consideration a PowerPoint presentation that included a Zoning Code Amendment: Ordinance that would affect Hillside Ordinance; Compact Lots Subdivisions and General Zoning Ordinance Clean-up; and made a request of Council approval to introduce the first reading and pass by title only, Ordinance No. O-03-15.

PUBLIC COMMENT:

John Reichel spoke in support of the project.

Discussion with Motion and Second by CM Bennett/CM Suchil to continue the Public Hearing to February 3, 2015.

Vote: All answered 'Aye'. Unanimous Vote.

(15) Appeal – DAP-001-190 – Centerpointe Car Wash Beer and Wine

TIME AND PLACE FIXED TO CONSIDER THE CONTINUANCE OF A PUBLIC HEARING FROM DECEMBER 16, 2014, AN APPEAL OF DENIAL OF CENTERPOINTE CAR WASH BEER & WINE. AN APPEAL TO THE CITY COUNCIL REGARDING THE PLANNING COMMISSION'S DECISION (FILE INDEX NO.: DAP-001-136) TO DENY: CONDITIONAL USE PERMIT (CUP) FOR THE SALE OF ALCOHOL, AS A NEW ABC LICENSE TYPE 20-OFF-SALE BEER & WINE, AND A DETERMINATION REGARDING PUBLIC CONVENIENCE OR NECESSITY (PCN) AT AN EXISTING CAR WASH/GASOLINE SALES/CONVENIENCE MARKET USE ("CENTERPOINTE CAR WASH") LOCATED AT 1140 SOUTH MOUNT VERNON AVENUE (ASSESSOR PARCEL NUMBER 0276-144-01) ON A 0.89-ACRE PARCEL WITHIN A 28-ACRE SHOPPING CENTER ("CENTERPOINTE PLAZA") ON A NINE (9) PARCELS ZONED C-2, GENERAL COMMERCIAL, ASSESOR PARCEL NUMBERS (APN0: 0276-144-01; 02; 03; 04; 05; 06; 07; 08; AND 38. (APPELLANT: TEJAS MODI, CENTERPOINTE CAR CARE, LLC)

Mayor DeLaRosa announced the Public Hearing Open.

City Clerk Padilla submitted the Notice of Continuance to continue the Public Hearing and is on file in the City Clerk's Office and I have received two protest/objections.

Mark Tomich, Development Services Director, presented for consideration as directed by Council to make appropriate recommendations to overturn the Planning Commission denial of Centerpointe Car Wash Beer and Wine. Mr. Tomich outlined staff's recommendation as follows: It is recommended that the City Council approve and adopt Resolution No. R-08-15 approving the appeal, overturning the Planning Commission's decision denying the application, and approving the CUP with the PCN, subject to proposed conditions of approval.

PUBLIC COMMENT:

Tejas Modi, President, CenterPointe Car Wash (applicant);
Fawal Saif (spoke supported the Planning Commission decision).
Dick Evitt, Real Estate Broker, Consultant to Applicant (spoke in support of the application)

Motion and Second by MPT Navarro/CM Suchil to close the Public Hearing

Vote: All answered 'Aye'. Unanimous Vote.

Discussion between Councilmembers/staff /legal counsel/applicant Tejas Modi; items were outlined to be addressed as they relate to the CUP and the PCN to be used for possible determination to go forward on the application:

- Condition 5. Add "full service" to "car wash". Council direction: no objection to change
- Condition 7a. removal of traffic engineer recommendation/site plan review for slowing vehicular traffic and providing walk paths. Council direction: remove, as requested
- Condition 7b5-9. removal of property maintenance conditions. Council direction: no change
- Condition 7c. removal of photometric/ lighting plan requirement. Council direction: no change.
- Condition 8a. market hours change from 6 am-9pm to 24 hours. Council direction: change as requested
- Condition 8c. site hours (unattended fuel pumps & exterior cashier window) change from 6 am-9 pm to 24 hours. Council direction: change as requested
- Condition 8d. alcohol (beer & wine) hours – change from 6 am-9pm to 6 am-12 midnight; council direction: no change
- Condition 8e. minimum of two employees change from "inside market when market is open and car wash is closed" to "on site when beer & wine is sold". Council direction: "inside market at all times when market is open"

Continued discussion resulted in termination of the Public Hearing as conditions/request by applicant, Tejas Modi, to change the business hours and sale of gas to twenty-four hours. Consensus by Council and direction from staff this change is a new condition to the CUP with the PCN, therefore, the Public Hearing will need to be re-noticed with a possible date for said Public Hearing for the second council meeting in March (*March 17, 2015*).

BUSINESS ITEMS

- (16) Ordinance O-01-15 Monthly Stipend for Use of Technology Resources – Waive further reading, ready by title only, and introduce Ordinance No. O-01-15, an Ordinance of the City Council of the City of Colton amending Colton Municipal Code, Sections 2.12.010, Compensation of City Clerk; 2.12.020, Compensation of City Treasurer; 2.12.030, Compensation of City Council members, and 2.12.050, Compensation of Mayor, to authorize a monthly stipend of \$86 for Colton elected officials to acquire and pay for their own mobile phones, laptop computers or tablets (iPads or equivalent) including connection costs in-lieu of using City of Colton issued devices. ORDINANCE NO. O-01-15.

Discussion concluded with Mayor DeLaRosa and consensus of Council this item needs to be presented in a workshop environment and directed ICM Kenline to work with staff to set up the next available date.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

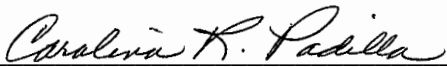
Councilmembers made comments on various issues and activities throughout the community.

CITY MANAGER'S REPORTS

ICM Kenline reviewed for Council the upcoming Tree Trimming Cycle and is working on a plan to be presented at Mid-Year Budget Review.

ADJOURNMENT

At 9:27 p.m. Mayor DeLaRosa announced the Council Meeting Adjourned in memoriam of Lorenzo Infante and Jerry Johnson.



Carolina R. Padilla
City Clerk